

From: [Wilcox, Lacy J \(GOV\)](#)
To: [Peterson, Darwin R \(GOV\)](#)
Subject: FW: Current Comments
Date: Monday, May 16, 2016 5:22:24 PM
Attachments: [BC1B371F-B2FA-45A2-BDA2-FF85F7001D41\[4\].png](#)
[SB91 Comments 04212016.docx](#)
[Sb 91.msg](#)

From: Wilcox, Lacy J (GOV)
Sent: Monday, May 16, 2016 1:58 PM
To: Walker, Governor (GOV sponsored)
Subject: FW: Current Comments

Governor,

Executive Privilege



Thank you,
Lacy

From: Jordan Shilling [<mailto:Jordan.Shilling@akleg.gov>]
Sent: Monday, May 16, 2016 1:41 PM
To: Wilcox, Lacy J (GOV); McClanahan, Natasha S (GOV)
Subject: FW: Current Comments

Hey all –

It sounds like the Governor's "policy advisor on criminal justice" (who I've never met or heard of) put together a document – a comprehensive summary – of feedback and concerns from numerous organizations, including APOA, PSEA, APDEA, CDVSA, ANDVSA, STARR, Victims for Justice, and more. After receiving all of that feedback, after months of teleconferences, roundtables, and thoughtful consideration of the data and research, she painstakingly compiled them into a document for the Governor's review.

Instead, what she really sent was a word-for-word copy of a document Gerard Asselin (President of APDEA) sent me over a month ago (at my request) to explain some changes they would like to the bill. Literally verbatim (see e-mail below).

She has blatantly misrepresented her role and the origins of the document. What's most alarming is that the document is grossly inaccurate. A month ago (April 21st -- when the document was authored) it was significantly more relevant. Since then, many of the concerns have been resolved in SB 91 or explained in further detail to clear up misunderstandings. At the very least, Amanda should have updated Gerard's document before forwarding it to the Governor of Alaska as "policy advice". It's clear she has no compunction with back-dooring her own agenda.

Here's what's most insulting on a personal level: our office actually did the work Amanda purports to have done. We have done the hundreds of hours of conference calls. We have done the hundreds of hours of meetings. We have made the hundreds of changes to the bill in response to those meetings. Whatever she has done, we have done it one hundred times over. I imagine John would share my sentiments. It's insulting that her plagiarized, misrepresented drivel would even be considered by the Governor.

Jordan

From: Gerard Asselin [<mailto:president@apdea.org>]
Sent: Thursday, April 21, 2016 12:00 PM
To: Jordan Shilling <Jordan.Shilling@akleg.gov>
Cc: Grace Abbott <Grace.Abbott@akleg.gov>
Subject: Current Comments

Jordan,

Thanks for the call last night. Per your request, I attached a rough list of updated concerns from the APDEA. Please excuse the informal nature given the tight timeline. Some may be easy while I understand that others are more complex. As I said, their are fundamental underlying concerns with the structure of the legislation that persist therefore we cannot support the bill. If you all are able to incorporate some of the listed items or address the concerns because you feel it the right thing to do, that would be great. I know the officers on the street would appreciate what ever can be done to soften the negative consequences.

Please let me know if you have any questions or need some clarification.

Thanks,
Gerard



Sgt. Gerard Asselin | APDEA President
president@apdea.org | www.apdea.net
907.952.1098 | PO Box 230330, Anchorage AK 99523

Short-Term Reccomendations:

- Add all conditions of release in APSIN, viewable in the field by officers statewide on a 24/7 basis. The Pre-Trial Services unit could logically complete the entries at the time of release.
 - All VCR's should remain as crimes rather than violations. Aside from the fact that violating a judge's order should be taken seriously by all, making them violations will make them virtually untraceable therefore not readily available for bail and/or risk assessment. Prosecutors, officers and others would have to run the citation history rather than criminal history to find it in APSIN.
 - Expand the Commission to include line-level police, prosecution and OVR employees. It would seem logical given the volume of cases handled in Anchorage that it should be an APD employee and a MOA prosecutor. The inclusion of these people will give a current day, "real world" view of what is taking place "in the field." The inclusion of OVR makes sense given the fact that they are an independent, yet mandated agency. By having high ranking and/or appointed people on the commission, we get political answers, not an honest evaluation.
 - 12.25.180 should be returned to "may" rather than "shall." The list of crimes/circumstances should give guiding principles rather than hard rules. You will see officers err on the side of caution and release people when they probably shouldn't just because of the firm language.
 - The inclusion of C felonies is very troubling for most officers. Stealing a car, burglarizing a business or possession a stolen gun will all result in a summons; is that what we intend? Alternatively, the Pre-Trial Release group can screen the folks who are arrested and get them released sooner than later rather than the officer just releasing them at the scene.
 - Amend AS 12.25.030 to allow warrantless arrests for misdemeanors that occur outside the presence of the officer (this proposal also includes a cleanup of redundant statutory language). I do understand what has been said about legislative legal counsel expressing concerns so maybe this is too difficult at this late hour.
 - Set distribution of IA controlled substances at 1+ gram for B felony (versus 2.5+ gram for IIA and IIIA substances). Lumping all drugs together is an apples and oranges comparison.
 - Penalize distribution of IA/IIA/IIIA substances in other forms (pills, liquid, etc).
 - Create a recidivist felony statute for drug possession.
 - Exclude non-DV assaults from the 30-day misdemeanor sentence cap.
 - Include non-DV assaults with DV assaults in the lengthier probation terms. In both of these, we should recognize that non-DV assault is a comparatively serious crime as well and should be treated as such.
 - Exempt misdemeanants from earned credit (parole) and early discharge (probation).
- Exclude specific statutory references for crimes in the arrest statute; alternatively, include language such as "or similar local ordinance." The current structure of the bill would create confusion at the local level since not all local laws mirror state law.

- Fix the B misdemeanor theft which caps sentence at 5 days jail, all suspended, plus 6 months probation for 3rd and all subsequent misdemeanor thefts. A person can steal \$249.99 every 6 months for life and never see a jail. At what point should someone who regularly steals be held accountable and be given access to services to stop the behavior?
- Right now, no one monitors misdemeanor probation. Since it is “informal,” it only becomes relevant if the person commits a new crime and the prosecutor happens to see the probation in the file; they could then file a PTRP. The misdemeanor probation requirements have no teeth and are ineffective.
- The SIS system is broken. It is extremely rare that someone who gets a new charge will ever be held accountable for previous offense. If the case is brought up to the judge, they will occasionally enter a conviction of record but even that is rare. People who have an SIS as part of their sentence will in most occasions get a free pass. It is a great system for those who do not reoffend but terrible for those who do. This system creates a disparate consequence for those who do and do not reoffend.

Continued Overriding Concerns:

- There is not enough money being put into reinvestment. In the short term, we are planning to release hundreds of offenders without adequate resources in place for them or their victims. How do we assure adequate reinvestment dollars in the future?
- The Pre-Trial Unit will only be effective if it's properly staffed. As an example, the current probation unit and corrections staff are completely understaffed and over worked. How do we guard against the same thing happening with the Pre-Trial Unit?
- The increased use of and burdens upon the hallway houses concerns us greatly. The CRC's and DOC already have many performance issues in these facilities with allowing people to escape, allowing drug dealing inside the facilities, failing to comply with licensing requirements and performing faulty risk assessments.
- I continue to question what constitutes a “low-risk” or “low-level” offender since many of the recommendations were based on these classifications.

From: Price, Amanda M (GOV)
To: Wilcox, Lacy J (GOV)
Subject: Sb 91
Date: Monday, May 16, 2016 11:39:18 AM
Attachments: SB91_Comments 04212016.docx
ATT00001.txt

Short-Term Recommendations:

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